

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

BRYAN L. TRAVIS,

Plaintiff,

vs.

PARK CITY MUNICIPAL CORPORATION
and PARK CITY POLICE DEPARTMENT,

Defendants.

**MEMORANDUM DECISION and
ORDER GRANTING IN PART
DEFENDANTS' MOTION FOR
SANCTIONS and ORDER FOR BRYAN
L. TRAVIS TO APPEAR FOR AND
COOPERATE IN DEPOSITION ON
JANUARY 8, 2008**

Case No: 2:05-CV-269 DB

District Judge Dee Benson
Magistrate Judge David Nuffer

Defendants have moved for sanctions against Plaintiff Bryan L. Travis for his failure to appear for depositions and his continued failure to cooperate in good faith with the discovery process.¹ Defendants request that the court dismiss this action as a sanction for Travis's continued failure to cooperate in discovery and his refusal to follow the court's order² to supply firm dates and complete his deposition in September.³ In the alternative, Defendants request the court to order Travis to appear before the court and answer questions under oath concerning his factual allegations, but they admit "that such extraordinary measures should not be necessary."⁴ The court agrees that such extreme measures of court intervention

¹Defendants' Motion for Sanctions at 2, dkt. no. 129.

²Memorandum Decision and Order at 2, dkt. no. 121.

³Defendants' Memorandum in Support of Motion for Sanctions at 6, dkt. no. 130.

⁴*Id.* at 7 n.2.

should not be required for the relatively routine practice of discovery and depositions in the litigation process.

The court has previously warned Travis that his failure to comply with orders compelling discovery could result in monetary sanctions and dismissal of the case.⁵ At this point, the court will order once again that Travis appear and cooperate in a deposition. **Plaintiff Travis is warned that if he fails to comply with this order, the ultimate sanction of dismissal will result.**

ORDER

IT IS HEREBY ORDERED that Defendants' Motion for Sanctions⁶ is GRANTED IN PART and Bryan L. Travis is ordered to appear and cooperate in his deposition **on Tuesday, January 8, 2008 at the Frank E. Moss U.S. District Courthouse, 350 South Main Street, Salt Lake City, Utah at 10:00 a.m. in Room 405.** No further notice of deposition is necessary for either party. This setting will not be changed or vacated without further order from the court.

IT IS FURTHER ORDERED that if Travis fails to appear and cooperate in the deposition at the scheduled time, the court may dismiss the case as an appropriate sanction.

November 21, 2007.

BY THE COURT:

____s/David Nuffer_____
David Nuffer
U.S. Magistrate Judge

⁵See Order at 2, dkt. no. 118.

⁶Dkt. no. 129.